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TO *Pete Henault / Bill Riley*

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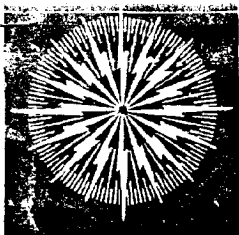
SUBJECT *Attached APPA Memo on PCBs, EPA Final Rules* DATE *6/21/79*

MESSAGE
I suggest that your office should have on file a copy of the EPA final rules on PCBs. We would also like a copy of only those portions pertaining to disposal, storage, handling and identification, etc.. Also, it might be a cool move to find out from Becker what the status is on Federal Regulations covering how PCBs must be transported to disposal sites. The idea being to get the Government (Federal) to take on the liability for an accident by virtue of the fact that Federal procedures must be followed.

Del Young

SIGNED

DATE



info. *Kennedy* *File*
D. Young
Thompson
Tuffs
AMERICAN PUBLIC POWER ASSOCIATION

2600 VIRGINIA AVENUE NW WASHINGTON DC 20037 • 202/333-9200

June 8, 1979

MEMORANDUM

TO: APPA Member Utilities

FROM: Bill Becker, Environmental Engineer

SUBJECT: Polychlorinated Biphenyls (PCB's): Promulgation of Final Regulations

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DEA

The Environmental Protection Agency promulgated final rules on May 31, 1979 (FR Vol.44, No.106, pp.31513-31568) which strictly regulate the manufacture, processing, distribution in commerce and use of polychlorinated biphenyls (PCB's) under the Toxic Substances Control Act.

The regulations, effective as of July 2, 1979, prohibit:

- * manufacturing of PCB's after July 2, 1979, unless specifically exempted by EPA;
 - * processing, distribution in commerce, and use of PCB's (except in a totally enclosed manner) after July 2, 1979; and
 - * all processing and distribution in commerce of PCB's after July 1, 1979, unless specifically exempted by EPA;
- COPY*

The final rules make extensive changes to the proposed regulations of June 7, 1978. While a more elaborate analysis of these modifications is included in the preamble to the final regulations, the major changes to the initial proposal follow.

EPA has adopted a 50 parts per million (ppm) regulatory "cut-off" point, indicating that all substances, mixtures or articles with greater than 50 ppm would be subject to the final PCB regulations. The one exception to this rule is the prohibition of the use of waste oil as a sealant, coating or dust control agent if the oil contains "any detectable concentration" of PCB's. EPA is relaxing the economic burden of complying with a strict 50 ppm cut-off however, by allowing alternative disposal methods for wastes containing between 50 ppm and 500 ppm of PCB's. You may recall that APPA, in its submission of testimony to EPA on August 7, 1978, had argued for this type of flexibility by stating that electric utilities -- particularly the smaller publicly-owned power systems -- would "have to conduct expensive tests to determine whether a given transformer contained less than 50 ppm of PCB's, or assume the presence of 50 ppm and follow burdensome and expensive regulatory requirements." EPA is still adopting a posture that a transformer will be assumed to contain over 500 ppm of PCB's if the transformer does not have a nameplate or if information is not available to indicate the type

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of dielectric fluid in it.

EPA has established several categories of transformers in its final regulations based upon the concentration of PCB's in the transformer. "PCB Transformers," "PCB-Contaminated Transformers," and "Non-PCB Transformers" are transformers containing concentrations of PCB's of greater than 500 ppm, between 50 ppm and 500 ppm, and less than 50 ppm, respectively. While "Non-PCB Transformers" are generally not covered by the final rule, strict regulations do exist for disposing, rebuilding and storing fluids from "PCB Transformers" and "PCB-Contaminated Transformers."

Specifically, fluids from "PCB-Contaminated Transformers" may be disposed of in high efficiency boilers, in chemical waste landfills, or in special incinerators designated in Annex I of the final regulations, while fluids from "PCB-Transformers" must be disposed of by special incineration (Annex I) only. APPA had urged in its August, 1978 statement to EPA that it was necessary for the Agency to "devise alternatives to high temperature incineration of mineral oil dielectric fluid." The Agency appears to have placated these concerns by allowing disposal of transformers with 50-500 ppm of PCB's in "high efficiency boilers" or special chemical waste landfills.

Servicing requirements subject "PCB-Contaminated Transformers" to relatively few restrictions, while servicing regulations for "PCB Transformers" (1) prohibit the removal of the coil from the casing and (2) require fluids removed from the transformer to be reused as dielectric fluid or disposed of in a special incinerator. Furthermore, servicing on "PCB Transformers" may require an EPA exemption if "PCB-Transformers" are serviced by outside firms and therefore distributed in commerce.

If any members are interested in obtaining a copy of the final regulations and/or a summary prepared by EPA, please do not hesitate to contact me.